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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 ARMANDO MARTINEZ-TOVAR, )

11 Petitioner, )

12 v. )

13 UNITED STATES OF AMERICA, *et* )  
14 *al.*, )

15 Respondents. )  
16 \_\_\_\_\_ )

Case No. CV 14-2259 DMG (JCG)

**ORDER ACCEPTING REPORT AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE AND  
DENYING CERTIFICATE OF  
APPEALABILITY**

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate  
18 Judge's Report and Recommendation, and the remaining record, and has made a *de*  
19 *novo* determination. No objections to the Report and Recommendation have been  
20 filed.

21 Accordingly, IT IS ORDERED THAT:

- 22 1. The Report and Recommendation is approved and accepted;  
23 2. Judgment be entered denying the Petition and dismissing this action  
24 without prejudice; and  
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2 3. The Clerk serve copies of this Order on the parties.

3 Additionally, for the reasons stated in the Report and Recommendation, the  
4 Court finds that Petitioner has not made a substantial showing of the denial of a  
5 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*  
6 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of  
7 appealability.

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9 DATED: January 30, 2015

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DOLLY M. GEE  
11 UNITED STATES DISTRICT JUDGE  
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